

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA Case No. 2:19-cv-12736

Plaintiff,
v.
CITY OF TROY, MICHIGAN

Defendant.

HON. NANCY G. EDMUNDS

EX PARTE MOTION TO FILE
RESPONSE TO MOTION
FOR ADDITIONAL RELIEF

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**DEFENDANT CITY OF TROY'S EX PARTE MOTION TO FILE
RESPONSE TO UNITED STATES' MOTION FOR ADDITIONAL RELIEF
UNDER FEDERAL RULE OF CIVIL PROCEDURE 59(e)**

Defendant moves this Court for an Order allowing it to file a response to the United States' Motion for Additional Relief Under Federal Rule of Civil Procedure 59(e). In support of this motion Defendant states:

1. On April 13, 2022, The Plaintiff United States of America (USA) filed a motion seeking additional relief seeking to amend this Court's March 18, 2022 order, ECF No. 55.
2. The motion was filed pursuant to Federal Rule of Civil Procedure 59(e).
3. Pursuant to this Court's Local Rule 59.1, no response to a motion to amend a judgment is permitted unless the Court directs otherwise.
4. The City contends a response should be permitted because the USA makes several misrepresentations regarding the City of Troy's conduct that must be clarified to allow this Court to properly rule on the motion.
5. A copy of the City's proposed response is attached as an Exhibit.
6. Pursuant to Local Rule 7.1, the undersigned counsel sought concurrence from the relief sought in this motion and was advised by Abigail B. Marshak, Attorney for USA on April 25, 2022 that the USA "*does not object to Troy's motion to permit a response.*"

Wherefore, it is Defendant's request this Court grant this ex parte motion and permit the Defendant to file a response to the United States' Motion for Additional Relief Under Federal Rule of Civil Procedure 59(e).

Dated: April 25, 2022

s/Allan T. Motzny

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**BRIEF IN SUPPORT OF DEFENDANT CITY OF TROY'S EX PARTE
MOTION TO FILE RESPONSE TO UNITED STATES' MOTION FOR
ADDITIONAL RELIEF UNDER FEDERAL RULE OF CIVIL PROCEDURE
59(e)**

Defendant relies on the above stated facts and court rule in support of its motion.

Dated: April 25, 2022

s/Allan T. Motzny

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Certificate of Service

I hereby certify that on April 25, 2022, I electronically filed the above motion with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record using the ECF system.

s/Allan T. Motzny
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Dated: April 25, 2022